IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.72 of 2005

Karuni Biswal .... ***Appellant***
Mr.S.S.K.Nayak, Advocate

-versus-

Nrusingha Charan Biswal and others .... ***Respondents***

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
19.09.2022

Order No.

I.A.No.208 of 2022 & 209 of 2022

19. 1. The matter is taken up through Hybrid mode.

2. Heard Mr. S. S. K. Nayak, learned counsel for the Appellant.

3. Present interlocutory applications have been filed for substitution of the sole Appellant as well as Respondent No.1.

4. It is submitted that the Appellant died on 12th June, 2012 and Respondent No.1 died on 30th January, 2020. The applications have been filed on 27th May, 2022.

6. Mr.Nayak submits that since this F.A.O. is relating to probate of the Will, the period of limitation prescribed under Order 22 of the C.P.C. and the consequent abetment of the lis will not be applicable, and in this regard, he relies on a decision of Patna High Court in the case of ***Jogendra Prasad alias Bhola and others vrs. Kamlesh Kumar and others,*** AIR 2001 Patna 181.

7. He further submits to examine the point in detail.

8. List on 20th October, 2022.

(B.P. Routray)
Judge

C.R.Biswal

HIGH COURT
सत्यमेव जयते
ORISSA